

701 KAR 5:120. Prevention of sexually explicit materials transmitted to schools via computer.

RELATES TO: KRS 156.160, 156.675

STATUTORY AUTHORITY: KRS 156.070, 156.160, 156.675

NECESSITY, FUNCTION, AND CONFORMITY: 1998 Ky. Acts ch. 330 authorizes the Kentucky Board of Education to promulgate administrative regulations necessary to prevent sexually explicit material from being transmitted from or received by any computing or telecommunications system used in local schools and school districts. This administrative regulation requires school districts to implement acceptable use policies and to use filtering technologies in every school. The administrative regulation also specifies the Kentucky Department of Education's responsibilities to provide filtering technology to local districts, to provide technical assistance to support implementation of the regulation, and to ascertain compliance.

Section 1. Acceptable Use Policies. (1) A local school district shall adopt an acceptable use policy which has the following characteristics:

- (a) Conforms to the guidelines for acceptable use policies as provided in the Master Plan for Education Technology, 701 KAR 5:110, for the Kentucky Education Technology System, including parental consent, teacher supervision of computer use, and auditing procedures;
- (b) Contains procedures, guidelines, and prohibitions which will prevent access to sexually explicit materials;
- (c) Contains appropriate disciplinary measures for policy violations; and
- (d) Is for use by students, faculty, staff, and any others to whom the school or district provides computing and telecommunications access on a permanent or temporary basis.

(2) A school district shall include in its policy provisions which eliminate or appropriately restrict the use of computing and telecommunications technologies for any faculty, student, staff or other person who will not sign or who violates the provisions of the acceptable use policy statement.

Section 2. Standards for Filtering Technology. (1) The Kentucky Department of Education shall assist a local school district with the selection and use of filtering technologies.

- (2) Filtering technologies adopted by a local school district shall address:
 - (a) Expectations of reliability;
 - (b) The ability to improve the dependability and speed of the appropriate data being available;
 - (c) The ability to effectively manage incoming information;
 - (d) The ability to effectively manage outgoing information; and
 - (e) The ability to identify and maintain appropriate information about the origin, date, time and destination of network transactions.

Section 3. District Responsibilities for Implementing Filtering Technology. (1) A local school district shall implement filtering technology in every school which has a dedicated network connection.

(2) A local school district shall implement filtering technology in a school no later than thirty (30) days after the telecommunications circuit is activated.

- (3) Every school district shall:
 - (a) Adopt one (1) or more filtering technologies for use in its schools which conform to the guidelines for filtering technologies as provided in the Master Plan for Education Technology, 701 KAR 5:110, for the Kentucky Education Technology System;

(b) Provide the technical assistance necessary to implement and maintain filtering technology in every school; and

(c) Ensure that the filtering technology is operational seven (7) days a week, twenty-four (24) hours a day with reasonable provision for scheduled outages and maintenance.

Section 4. Preventing Student Access to Sexually Explicit Materials Through Electronic Mail. (1) To prevent student access to sexually explicit materials which may be sent or received via electronic mail, a local school district shall limit electronic mail use to those systems approved by the Kentucky Department of Education as meeting standards for electronic mail systems as provided in the Master Plan for Education Technology, 701 KAR 5:110, for the Kentucky Education Technology System;

(2) A school district using electronic mail systems which do not meet these standards shall migrate to a system approved by the Department of Education no later than June 30, 1999.

(3) A school district shall include in its acceptable use policies provisions which prohibit students, faculty, staff and others with network access from using district resources to establish Internet email accounts through third party providers or any other nonstandard electronic mail system.

Section 5. Compliance Monitored Through Planning Process. The Department of Education shall ascertain compliance with these provisions as a condition of school district participation in the offers of assistance process for education technology funds. (25 Ky.R. 1279; eff. 1-19-1999; Crt eff. 11-16-2018.)